

EXHIBIT B



Hon. Elizabeth D. Laporte (Ret.)

JAMS Mediator, Arbitrator, Referee/Special Master,
Neutral Evaluator

Contact Information

Scott Schreiber

Two Embarcadero Center Suite 1500
San Francisco, CA 94111
T: 415-774-2615
F: 415-982-5287

Hon. Elizabeth D. Laporte (Ret.) joined JAMS after more than two decades as a United States magistrate judge for the Northern District of California. Judge Laporte was the chief United States magistrate judge for the Northern District of California from 2013 to 2015. As a magistrate judge, she presided over numerous civil cases with the parties' consent, with a robust docket that included patent, trademark, copyright, business, class actions, employment, insurance, environmental, antitrust and civil rights litigation.

Judge Laporte is known for helping to shape patent and intellectual property case law and for advancing the court's e-discovery procedures. Her colleagues and the legal community consider her among the leading legal thinkers on e-discovery issues. For her efforts, she earned the Judicial Leadership Award from the Electronic Discovery Institute in 2015. She also launched the Northern District's Women Attorneys Advocacy Project, which seeks to promote gender equality in the legal community. As a neutral at JAMS, Judge Laporte adds value to the ADR process with extensive experience conducting settlement conferences and resolving discovery disputes, as well as presiding over

numerous cases from start to finish, including through summary judgment and/or trial. Those who have appeared before her have witnessed her settlement skills and fair, thorough and intelligent style. Here are a few of their comments:

- “She is the sort who will stay at the table until the deal is concluded.”
- “She works very hard at bringing about settlement.”
- “She is objective.”
- “She is very fair.”

A recent *Daily Journal* profile included related comments such as the following:

- “She is very detail oriented. She takes a hands-on approach.”
- “She had tough questions for both sides and yet let both sides say what they needed to...the issues were fully aired.”
- “The things that stands out are her open-mindedness, thoughtfulness and thoroughness.”

The *Almanac of the Federal Judiciary* contains high praise for Judge Laporte, including the following:

- “She is capable and has a very good understanding of the law. She can fill in the missing pieces.”
- “She is an intellectual. She is smart.”
- “She is warm, friendly and professional...[she] made a fair decision when she had to.”
- “She is productive and helpful. She is engaged and fosters settlement.”
- “She is energetic. She loves what she does. She is active in getting parties to settle.”

In addition to high praise for her legal acumen and settlement skills, Judge Laporte is also regularly invited to speak on panels for continuing education of attorneys and judges on a variety of legal topics, including intellectual property, settlement, e-discovery, employment law and jury trials. Judge Laporte is also the author of numerous legal publications.

ADR Experience and Qualifications

- Presided over one of the nation’s largest civil caseloads through summary judgement or trial with consent of the parties as a magistrate judge in the Northern District of California; this court leads the nation in consent cases before magistrate judges by a large margin
- Previously served as the alternative dispute resolution magistrate judge for the Northern District of California
- As a magistrate judge for over 20 years, conducted hundreds of settlement conferences and resolved hundreds of discovery disputes
- Frequent lecturer and speaker on settlement and ADR topics, as well as intellectual property
- Known for being one of a small number of magistrate judges who have received consent from lawyers to preside over their patent cases from start to finish

Representative Matters

- **Antitrust & Competition**
 - Antitrust conspiracy to fix prices/competition case
 - Datel v. Microsoft
 - Presided over case involving allegations of antitrust, patent infringement and copyright violations related to video game technology; the plaintiff manufactured accessories for the defendant’s gaming system and brought antitrust allegations after the defendant altered its software, disabling the plaintiff’s product; the

defendant then brought claims for patent infringement against the plaintiffs

- **Business & Commercial**

- Discovery referee for alleged breach of distribution contract
- Breach of fiduciary duty involving alleged inadequate insurance coverage for a property with multiple buildings destroyed in a large fire
- Breach of contract dispute involving software development
- Breach of contract, conversion, declaratory relief, and copyright infringement dispute between two businesses, both financial technology services companies, focused on payments processing and card issuance
- Alleged advertising fraud involving hard drives
- Securities: Derivative Actions
- Breach of contract, fraud and related claims by assignee of cosmetics company arising from the recall of a cosmetic product due to alleged contamination by the product filler, which in turn asserted third-party complaint against manufacturer
- Contract dispute over sale/purchase of medical billing company
- Multiple breach of contract cases involving a variety of industries, products and services
- Early neutral evaluator and mediator for software licensing dispute
- Breach of contract for alleged nonpayment for financial services rendered as well as breach of covenant of good faith and fair dealing and unjust enrichment claims
- Fraud and nondisclosure regarding ability to supply environmental technology and exclusivity contracts and patent ownership rights
- Held a settlement conference for breach of contract dispute in which plaintiff allegedly entered into an agreement with defendants wherein defendants would serve as the importer of plaintiff's electronic lighting products into the U.S. market; defendants allegedly broke their agreement
- Held a settlement conference for contract dispute between a group of doctors and a managed care company related to access to clients at certain contracted rates
- Held a settlement conference for case involving a nationwide recall of a candy product caused by excessive levels of lead; plaintiff asserted that the high levels in its products were due to exceedingly high levels of lead in an ingredient supplied by defendant; allegations included breach of contract, breach of express warranty, breach of implied warranty of merchantability and breach of implied warranty of fitness
- *Rising Tide I, LLC, et al. v. Fitzsimmons, et al.* and *Abdo, et. al. v. Fitzsimmons, et al.*
 - Presided over securities cases in which plaintiffs allegedly purchased millions of dollars of securities based on false and misleading representations and then sued senior officers and board members for violations of securities laws

- **Civil Rights**

- Racial discrimination cases against schools

- **Class Action & Mass Tort**

- Neutral analysis for class action alleging website's advertising practices violated California's Unfair Competition Law
- Securities class action
- Class action involving form mortgage agreements alleging violations of multiple state statutes regulating the amount of interest charged on escrow accounts
- Class action regarding alleged overcharging of bank fees to US Service members
- Numerous wage and hour class actions
- Securities class action involving the purchase of shares of common stock
- Consumer class actions, including ones alleging false advertising

- Antitrust class action
- Served as Special Master to review and report on cy pres applications for distribution of settlement funds
- Held a settlement conference for dispute involving former customers of a provider of natural gas; the customers brought the action on behalf of themselves and a proposed class based on allegations that included fraud, breach of contract, negligent misrepresentation and violation of the Recording Act in telemarketing
- Presided over numerous Telephone Consumer Protection Act (TCPA) matters and was settlement judge in other TCPA cases
- Presided over as well as settled numerous employee class actions against employers claiming misclassification as exempt employees and other issues resulting in wage and hour violations of federal and state laws, some including issues of federal preemption
- **Employment Law**
 - Employment breach of contract
 - Multi-plaintiff dispute alleging claims for unsafe work environment due to COVID pandemic under the Private Attorneys General Act (PAGA) on behalf of other aggrieved employees. Plaintiffs also alleged retaliation, public nuisance, unfair business practices and intentional/negligent infliction of emotional distress
 - Employment case involving ERISA
 - Multiple disputes regarding trade secrets and non-competition
 - Multiple employment disputes involving claims of gender, racial, age discrimination, breach of contract, sexual harassment, wage & hour and meal break violations including C-Suite and high-level executives in businesses, universities, nonprofits, and the public sector
 - Wrongful termination/retaliation disputes involving technology and pharmaceutical companies
 - Alleged forced labor (prisoner labor)
 - Multiple wage and hour and PAGA disputes
 - Impey v. Office Depot
 - Presided over employment age discrimination case through trial
 - Presided over numerous discrimination cases, including discrimination based on age, gender, national origin and race
 - Presided over as well as settled numerous employee class actions against employers claiming misclassification as exempt employees and other issues resulting in wage and hour violations of federal and state laws, some including issues of federal preemption
 - Presided over executive termination and whistleblower matters
 - Presided over multiple Americans with Disabilities Act matters
- **Environmental Law**
 - Constitutional and statutory challenges to local government environmental/zoning ordinance brought by affected local business and supplier from another state
 - People of the State of California, et al. v. United States Department of Agriculture, et al., and related case The Wilderness Society, et al. v. United States Forest Service, et al.
 - This case involved the “Roadless Rule,” issued under President Bill Clinton, which barred building roads in more than 50 million acres of national forest; President George W. Bush replaced the Clinton rule with one that gave states more control; environmental groups and several Western states challenged the repeal in federal court, and Judge Laporte presided over that case

- Natural Resources Defense Council, Inc., et al. v. Evans, et al.

- Environmental matter involving allegations that Navy sonar harms ocean animals

- **Health Care**

- Dispute involving the sale and purchase of a medical billing company
- Copyright/trademark dispute between competitors in artificial intelligence (AI) for healthcare automation
- Employment non-competition and trade secrets dispute involving a medical staffing company
- Breach of contract and related statutory and common law claims for failure to commercialize licensed technology under license agreement

- **Insurance**

- Held settlement conference for insurance coverage dispute over professional liability policy with claim for rescission and declaratory relief and counterclaims for breach of contract and implied covenant of good faith and fair dealing for failure to defend
- Held settlement conference for case involving legal expenses for an insured under an existing policy; plaintiff alleged that the defendants also have a duty to contribute to those legal expenses and brought the suit against them for not paying their fair share
- Held settlement conference for first-party breach of contract and bad faith insurance coverage lawsuit that arose out of defendant's declination of plaintiff's property insurance claim for the cost to repair construction deficiencies and construction deficiency-related water damage
- Held settlement conference for dispute in which plaintiffs purchased travel insurance policies from defendants and alleged that they were denied some of the benefits under the policies; they then brought a class action to challenge defendants' decision to deny benefits
- Held settlement conference for products liability case in which plaintiff alleged that a microwave malfunctioned and caused a fire that damaged a rental unit; the landlord and tenant were insured; plaintiff paid the insureds for losses that plaintiff contended were caused by defendant's actions and omissions
- Held settlement conference for case involving situation in which plaintiff was covering legal expenses for an insured under an existing policy; plaintiff alleged that the defendants also had a duty to contribute to those legal expenses and brought the suit against them for not paying their fair share
- Held settlement conference for ERISA case against employer with collective bargaining agreement with a union local
- Held settlement conference for insurance case involving an independent insurance agency
- Held settlement conference for action that arose out of an alleged breach of collective bargaining agreement

- **Intellectual Property**

- Patent dispute arbitration of infringement issue as part of settlement in case involving consumer electronic accessory
- Patent dispute involving video game technology
- Special Master for motion in limine in patent case involving pharmaceutical
- Special Master for multi-patent dispute involving cybersecurity technology regarding adequacy of infringement contentions
- Patent case involving computer network technology and topology
- Multiple trade secrets cases
- Alleged trademark infringement
- Alleged domain name fraud

- Roche Molecular Systems, Inc. v. Cepheid
 - Presided over patent case by consent; case involved a challenge to the validity of a patented diagnostic related to using DNA to detect a pathogen associated with a disease-causing bacterium; Judge Laporte's decision was affirmed by the Federal Circuit Court of Appeals
 - Informatica Corp v. Business Objects Data Integration, Inc.
 - Presided over patent infringement dispute between two enterprise software business intelligence companies
 - Oracle v. SAP
 - Presided over discovery portion of large copyright infringement case leading to a jury verdict, and subsequently it settled; case involved sophisticated issues of e-discovery
 - Held settlement conference for trademark case that involved U.S. and foreign trademarks
 - Held settlement conference for trademark infringement case against a Chinese manufacturer of smartphones and associated chargers by wireless headphone American subsidiary and German parent
 - Held settlement conference for patent infringement case between the owner of several patents related to storage of electronic data and a California company that provided software for file synchronization and sharing
 - Held settlement conference for patent infringement case between leading competitors in operating room technology/medical field
 - Held settlement conference for copyright and trademark infringement case brought by American subsidiary of Japanese company with famous trademarked and copyrighted characters and logos against a California corporation with numerous websites on which it made allegedly infringing sales of various consumer products
 - Williams Sonoma v. Amazon
 - Presided over trademark and patent infringement case between a home goods company and an online retailer
 - ASM America, Inc. v. Genus, Inc.
 - Presided over patent infringement case in which the technology involved included atomic layer chemical vapor deposition machines used to form thin layers of insulating material, conducting material and semiconducting material
 - Sun Microsystems v. Network Appliance Inc.
 - Presided over patent infringement case between two high-tech companies related to patents for data processing systems and related software
 - Presided over Defend Trade Secrets Act (DTSA) case between two specialty pharmaceutical companies
 - Presided over patent infringement and DTSA case concerning software patents directed to integration of multiple processors and memories into shared-memory computers
- International & Cross-Border
 - Tripartite arbitration under the International Chamber of Commerce (ICC) Rules of Arbitration regarding alleged unpaid royalties under a Technology Agreement between a major company with photographic capability on its mobile devices and a provider of photo recognition software and hardware. The amount in dispute was over US \$100 million.
 - Tripartite arbitration under the International Centre for Dispute Resolution (ICDR) Rules of Arbitration involving a contract dispute between a California and a Japanese company that was seated in Tokyo, Japan. California law and Japanese law both

applied. The amount in dispute was approximately US \$10-15 million.

- Held settlement conference for trademark infringement case against a Chinese manufacturer of smartphones and associated chargers by wireless headphone American subsidiary and German parent
- 2007 Chinese High-Tech Enterprise and U.S. IP Litigation Strategy Forum, China Intellectual Property Society; Beijing Foreign Studies University, Shenzhen, Shanghai, and Beijing, China
 - Presided over Mock Trial
 - Presided over Moot Court
- Presided over Mock Patent Trial, Chinese State Intellectual Property, Bo'ao, China
- **Life Sciences**
 - Special Master for motion in limine in patent case involving pharmaceutical company
 - Patent infringement case between leading competitors in operating room technology/medical field
 - Defend Trade Secrets Act (DTSA) case between two specialty pharmaceutical companies
 - Patent case involving a challenge to the validity of a patented diagnostic related to using DNA to detect a pathogen associated with a disease-causing bacterium
 - Employment disputes involving a biopharmaceutical company, cloud-based personal healthcare products manufacturer, biological equipment manufacturer, and research company specializing in life sciences
 - Dispute by employees who worked on advanced bioscience projects directed at cancer in several related start-up companies against their common owner over alleged broken promises of stock grants, including claims for fraud, negligent misrepresentation, estoppel and breach of contract
- **Professional Liability**
 - Legal malpractice dispute; underlying dispute was a patent infringement case

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

Memberships and Affiliations

- Secretary, Board of Governors, Northern California Chapter of the Association of Business Trial Lawyers, 2022
- Member, Judicial Advisory Board for the Trade Secret Case Management Judicial Guide
- Member, ChIPs, Advancing Women in Tech, Law and Policy, Ongoing
 - Member Spotlight on ChIPs Blog, 2020
- Member, Cross-Border Privilege Issues Brainstorming Group, The Sedona Conference, 2019–2020
- Member, Board of Governors, Northern California Chapter of the Association of Business Trial Lawyers, Ongoing
- Judicial Co-Chair, Training Program, Federal Judicial Center and Electronic Discovery Institute, 2017–2019 and was also a Faculty Member, 2015–2019
- Member, Patent Local Rules Committee, United States District Court, Northern District of California, 2015–2019
- Member, Judicial Advisory Board, The Sedona Conference, 2013–2019
- Board Member, Federal Magistrate Judges Association, 2018–2019

- Founder, Women Attorneys Advocacy Project, United States District Court, Northern District of California, 2015
- Member, Editorial Board, *Federal Courts Law Review*, 2014–2019
- Judicial Observer, Working Group 1 on Electronic Document Retention and Production, The Sedona Conference, 2008–2019
- Chair, Northern District of California Local Rules Committee Subcommittee on E-Discovery, 2012
- Member, Judicial Review Team, *The Sedona Conference Cooperation Proclamation Resources for the Judiciary*, 2011
- Member, Executive Board, Ninth Circuit Magistrate Judges, 2004–2005, 2013–2014
 - Chair, 2004–2005
- Member, Jury Trial Improvement Committee, Ninth Circuit Court of Appeals, 2002–2009
- Chair, Magistrate Judge Executive Board, Ninth Circuit; Observer, Judicial Council, Ninth Circuit, 2000–2002

Selected Awards and Honors

- Judicial Leadership Award, Electronic Discovery Institute, 2015
- California Lawyer of the Year, *California Lawyer*, 1996

Selected Publications

Judge Laporte has written numerous articles and contributed to many publications, including the following:

- "Women's History Month: Women in Law and ADR", *JAMS Blog*, March 2021
- "Access to Justice and Lessons Learned During a Pandemic", *JAMS Blog*, October 2020
- "How is virtual mediation impacting the US legal sector?", *JAMS Blog*, July 2020
- "Why Now Is a Good Time to Engage in Mediation or Other Streamlined Dispute Resolution", *JAMS Blog*, June 2020
- "5 Tips for Protecting Legal Privilege During Global Litigation - The Judicial Perspective", *ACC Docket*, June 2020
- "Success for Women In and Out of the Courtroom", *ABTL Report*, May 2020
- "Trade Secret Litigation on the Rise in California: How ADR Can Help", *Daily Journal*, March 2020
- Contributed to the Federal Judicial Center's *Patent Mediation Guide*, January 2019
- "Trying Employment Cases: A View From the Bench," Northern California Association of Business Trial Lawyers' *ABTL Report*, Winter 2011/2012
- Co-Author, "Wrongful Termination and Related Disputes," Chapter 61: "Bringing and Defending Wrongful Termination Claims" in *California Employment Law*, 2010
- "Getting the Most Out of Judicial Settlement Conferences," Northern California Association of Business Trial Lawyers' *ABTL Report*, Winter 2006
- *California Civil Litigation Reporter*, "Judge's Perspective: E-Discovery: New Federal Rules, Same Basic Principles," Vol. 28 No. 6; December 2006
- "Managing the Runaway Patent Case," Northern California Association of Business Trial Lawyers' *ABTL Report*, Summer 2003
- Judicial Reviewer, Continuing Education of the Bar's *California Civil Discovery Practice*

Selected Speaking Engagements

- 22nd Annual Berkeley-Stanford Advanced Patent Law Institute, Berkeley Center For Law & Technology and Stanford Law School, October 2021
- 14th Annual E-Discovery Conference, Gibbons P.C., October 2021

- Annual Seminar, San Francisco Intellectual Property Law Association, September 2021
- Arbitration: How eDiscovery differs in Arbitration from Civil Litigation, DC Chapter of Women in eDiscovery, May 2021
- Patent Disputes Forum, JAMS, March 2021
- 4th Annual Putting Insights Into Practice Forum, Complete Discovery Source, January 2021
- Third Annual Trade Secrets Protection, Enforcement, and Litigation, Sandpiper Partners, December 2020
- Cutting-Edge Employment Law Issues 2020: The California Difference, Practising Law Institute, September 2020
- Alternative Dispute Resolution in the COVID-19 World, New York Intellectual Property Lawyers Association, July 2020
- Resolving Cases in the World of COVID-19: Tips from Mediators on Settling Cases in Remote Mediations, Bar Association of San Francisco, May 2020
- Overcoming Gender Bias in and out of the Courtroom, ABTL Northern California, March 2020
- Advanced e-Discovery Institute, Georgetown Law, November 2019
- Moderator of panel of US Federal and Chinese IP Judges at 2nd Annual Berkeley-Tsinghua Transnational Intellectual Property Litigation Conference, October 2019
- Chinese High-Tech Enterprise and U.S. IP Litigation Strategy Forum, China Intellectual Property Society; Beijing Foreign Studies University, Shenzhen, Shanghai, and Beijing, China, 2007
 - Speech regarding view from District Court Bench (regarding number of patent suits, how patent infringement is determined, including claim construction, defenses, role of judge in proceedings, role of jury in proceedings, how Chinese company should behave in U.S. patent litigation, including engaging in good faith discovery and pursuing settlement track simultaneously and diligently)

Background and Education

- United States Magistrate Judge, Northern District of California, 1998–2019
 - Chief United States Magistrate Judge, Northern District of California, 2013–2014
- Chief of Special Litigation, San Francisco City Attorney's Office, 1996–1998
- Administrative Law Judge, California Department of Insurance, 1991–1996
- Partner and Associate, Turner & Brorby, 1983–1991
- Law Clerk, The Honorable Marilyn Hall Patel, Northern District of California, 1982–1983
- Policy Planner/Economist, Federal Trade Commission, 1977–1979
- J.D., Yale Law School, 1982
- M.A., Oxford University, 1977
 - Marshall Scholar
- B.A., Princeton University, 1975

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Hon. James Orenstein (Ret.)

Contact Information

Doug Duzant

620 Eighth Avenue 34th Floor
New York, NY 10018
T: 212-607-2787
F: 212-751-4099

Hon. James Orenstein (Ret.) joins JAMS following a prominent legal career that included 16 years as a magistrate judge in the Eastern District of New York; several years as a litigator in private practice, including most recently at a firm specializing in technology and privacy law; and over a decade as a successful federal prosecutor and Justice Department official. Judge Orenstein oversaw discovery and helped achieve settlements in cases involving a wide array of class action and individual claims, including those involving antitrust, business disputes, civil rights, construction, copyright violations, defamation, employment discrimination, ERISA, fee disputes, fraud, insurance coverage, legal malpractice, maritime disputes, medical practice, patent infringement, personal injury, products liability, RICO, securities, trademark infringement, and wage and hour laws. While on the bench, Judge Orenstein achieved national recognition for his pioneering opinions on the law surrounding the use of location tracking, encryption and other modern technologies and their effect on personal privacy.

Following his retirement from the court, Judge Orenstein entered private practice, where he built on his judicial work in the field of technology and privacy. He counseled technology companies on the privacy impact of new products and services and compliance with U.S. and European data privacy laws and represented them in responding to government requests for their customers' personal data and in litigation arising from such statutory privacy regimes as the Telephone Communications Privacy Act and the Video Privacy Protection Act. He was also appointed as an amicus curiae by the Foreign Intelligence Surveillance Court.

Just before joining JAMS, Judge Orenstein was appointed to help the special master in *Trump v. United States* resolve complex assertions of privilege and novel issues under the Presidential Records Act arising from the government's search of the former president's home. The court in that case agreed that "the efficient administration of the Special Master's duties requires the assistance of the Honorable James Orenstein (Ret.), ... who has experience with complex case management, privilege review, warrant procedures, and other matters."

Before his judicial appointment, Judge Orenstein served as an assistant United States attorney for the Eastern District of New York, where he investigated and prosecuted hundreds of cases and was a member of the team that successfully prosecuted notorious mob boss John Gotti. Following the 1995 bombing of the federal building in Oklahoma City, Judge Orenstein was selected to be part of the trial team that prosecuted the two men responsible for the attack. He then served as an attorney adviser at the Justice Department's Office of Legal Counsel, where he advised the attorney general and the White House on constitutional matters and helped resolve legal disputes between executive branch agencies. He was later appointed deputy associate attorney general. In that role, he headed a departmental task force on crime victims' rights—a subject about which he has testified to Congress on multiple occasions—and oversaw the Justice Department's responses to overlapping congressional and special counsel investigations into the 1993 tragedy at the Branch Davidian complex in Waco, Texas. Upon leaving the Justice Department, Judge Orenstein was a founding partner of the New York City office of Baker Hostetler.

A sought-after mediator, Judge Orenstein brings his depth of knowledge and finely tuned ADR skills to every matter before him, from five-figure wage disputes to emotionally fraught discrimination and civil rights actions to multibillion-dollar antitrust class actions. He looks for every chance to turn an issue into an opportunity to bring the parties together to consider settlement—whether a scheduling disagreement at the start of the case, a discovery dispute during its development or dispositive motion practice when the case is ready for trial. As an arbitrator, mediator, special master/referee and neutral evaluator Judge Orenstein now brings to JAMS his diverse legal experience to help parties achieve a fair and efficient resolution of their disputes.

ADR Experience and Qualifications

- While on the bench, Judge Orenstein handled thousands of pretrial proceedings, mediated the settlement of hundreds of cases, resolved countless discovery disputes, and presided over evidentiary hearings and bench and jury trials.
- Judge Orenstein lectured widely and trained new magistrate judges on the law surrounding the use of location tracking, encryption and other modern technologies and their effects on personal privacy.
- Throughout his career, Judge Orenstein has served as an adjunct professor at New York University School of Law and Fordham Law School, teaching seminars on complex federal investigations, capital punishment and professional responsibility.

Representative Matters

- **Antitrust**
 - *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, 05-MD-1720 (MKB) (JO) (E.D.N.Y.): Multidistrict litigation included dozens of class and individual antitrust actions brought on behalf of millions of merchants against the Visa and Mastercard payment

networks and the banks that issued cards and acquired debts as members of those networks; oversaw fact and expert discovery for well over a decade, resolved numerous discovery disputes, participated in settlement conferences (along with the district judge and outside mediators), resolved contested motions to appoint lead class counsel, and recommended the resolution of motions to amend as well as dispositive motions

- *In re Vitamin C Antitrust Litig.*, 06-MD-1738 (BMC) (JO): Multidistrict litigation involving antitrust claims by direct and indirect purchasers against Chinese companies that manufacture vitamin C; oversaw discovery and resolved numerous disputes

- **Aviation**

- *Osoria v. Airbus S.A.S.*, 08-CV-0705 (TLM) (JO) (E.D.N.Y.): Flight attendant sued airplane manufacturer and seller for personal injury allegedly caused by defective flooring; oversaw discovery and presided at successful settlement conference
- *Beckford v. Delta Airlines, Inc.*, 08-CV-3460 (RRM) (JO) (E.D.N.Y.): Domestic airline passenger asserted personal injury claim against airline alleging negligence resulting in in-flight injury; oversaw discovery and presided at successful settlement conference
- *Kruger v. Olympic Airways S.A.*, 07-CV-2535 (ERK) (JO) (E.D.N.Y.): International airline passenger asserted personal injury claim against airline alleging negligence resulting in in-flight injury; oversaw discovery and presided at successful settlement conference

- **Business Commercial**

Breach of Contract

- *Burlington Packaging, Inc. v. Extra Packaging, Inc.*, 08-CV-1515 (JO), 2020 WL 5043817 (E.D.N.Y. Aug. 25, 2020): In a contract case arising out of alleged violations of a commission agreement between businesses that jointly developed a specialized packaging product, oversaw discovery and presided at a successful settlement conference in which the parties agreed to have Judge Orenstein retain jurisdiction over later disputes that would arise under an amended commissions agreement; over a decade later, when plaintiff asserted new breach of contract and breach of fiduciary duties under the settlement agreement, resolved dispositive motions on both claims
- *Spherenomics Glob. Contact Centers v. vCustomer Corp*, 427 F. Supp. 2d 236 (E.D.N.Y. 2006): Provider of outsourced call center services brought action against call center operator, alleging breach of contract and other claims; presided over bench trial and issued findings of fact and conclusions of law
- *Inventory Generation Inc. v. Penske Truck Leasing Co.*, 19-CV-4850 (MKB) (JO): After referral to a mediator did not resolve this commercial dispute arising from an alleged breach of contract to purchase a truck, presided at a successful settlement conference
- *Shred-It USA, Inc. v. Bartscher*, 02-CV-4082 (JO), 2005 WL 2367613 (E.D.N.Y. Sept. 27, 2005): Plaintiff, a provider of commercial shredding services, sued a former employee and the competing shredding service that later employed him for tortious interference with business relations and misappropriation of trade secrets, as well as a breach of contract by the former employee; presided at non-jury trial and issued findings of fact and conclusions of law resolving all claims

- Lead counsel for beverage company in contract dispute with concert promoter over dispute arising from sponsorship of music festival; handled non-jury trial of liability phase and then negotiated settlement prior to damages phase

Fee Disputes

- *In re Holocaust Victim Assets Litigation, Application of Burt Neuborne*, 06-CV-0983 (FB) (JO), 2007 WL 805768 (E.D.N.Y. Mar. 15, 2007), report and recommendation adopted, 528 F. Supp. 2d 109 (E.D.N.Y. 2007): Recommended award of fees for attorney's role in administering billion-dollar settlement fund arising out of class action by Holocaust victims against Swiss banks; recommendation adopted on review
- *Haifeng Xie v. Sakura Kai I Inc.*, 17-CV-7509 (ILG) (JO), 2020 WL 4587473 (E.D.N.Y. Mar. 12, 2020), report and recommendation adopted, 2020 WL 2569406 (E.D.N.Y. May 20, 2020): Recommended resolution of contested post-trial fee request in wage and hour case; recommendation adopted on review

RICO

- *Ixotic AG v. Kammer*, 09-CV-4345 (NG) (JO), 2015 WL 270028 (E.D.N.Y. Jan. 21, 2015): Plaintiffs asserted civil RICO and related tort claims arising from an alleged international fraud scheme; presided at telephonic settlement conference that achieved settlement between plaintiff and two defendants; later recommended dismissal of complaint against defaulting defendants based on detailed analysis of plaintiff's RICO theory; recommendation adopted over objection on review

• Civil Rights

- *Nektalov v. Kuwait Airways Corp.*, 15-CV-0033 (JO), 2016 WL 5678549 (E.D.N.Y. Sept. 30, 2016): Presided over case involving air passengers' claims of discrimination and torts under state and federal law based on airline's alleged refusal to honor tickets based on Kuwait's laws against doing business with Israeli citizens; resolved dispositive motions, after which case settled
- *Sutherland v. Dep't of Educ. of the City of New York*, 15-CV-3918 (RJD) (JO), 2017 WL 4174786 (E.D.N.Y. July 31, 2017), report and recommendation adopted, 2017 WL 4162302 (E.D.N.Y. Sept. 19, 2017): Oversaw discovery and recommended disposition of summary judgment motion in case involving school psychologist's claims of racial, national origin-based, and religious discrimination against her supervisor and the school district; recommendation adopted over objection on review; case later settled
- *Fair Housing Justice Center v. ZP Realty Capital LLC*, 10-CV-4125 (NGG) (JO) (E.D.N.Y.): Presided over successful settlement conference in case involving claims of race-based housing discrimination against realty company and others accused of providing false information to prospective renters
- *Mogoli v Cohen*, 19-CV-6723 (RPK): Presided at successful settlement conference in high school student's case against school officials for discriminating against him on the basis of disability by allegedly denying him needed accommodations and subjecting him to unwarranted discipline and referring his parents to child welfare authorities without cause
- *Claims under 42 U.S.C. § 1983*: Oversaw discovery and presided at successful settlement conferences in dozens of cases accusing police officers of false arrest, excessive force and

other civil rights violations

- **Class Action and Mass Tort**

- *In re Parking Heaters Antitrust Litig.*, 15-MC-0940 (DLI) (JO), 2019 WL 8137325 (E.D.N.Y. Aug. 15, 2019); *In re Parking Heaters Antitrust Litig.*, 310 F.R.D. 54 (E.D.N.Y. 2015): Oversaw all pretrial proceedings in 11 consolidated antitrust class actions by classes of direct and indirect purchasers of parking heaters alleging that several companies and individuals conspired to eliminate or suppress competition in the sale of aftermarket parking heaters for commercial vehicles; resolved contested motions for appointment of lead class counsel and recommended resolution of motions for preliminary and final approval of class settlement as well as request for fee award; recommendations adopted on review
- *Etienne v. Reliant Cap. Sols., LLC*, 16-CV-2359 (WFK) (JO), 2018 WL 6335560 (E.D.N.Y. Sept. 25, 2018), report and recommendation adopted, 2019 WL 2004761 (E.D.N.Y. May 7, 2019): Recommended denial of motion to certify settlement class and approve class settlement in putative class action under the Fair Debt Collection Practices Act; recommendation adopted over objection on review
- *Calabrese v. CSC Holdings, Inc.*, 02-CV-5171 (DLI) (JO), 2009 WL 425879 (E.D.N.Y. Feb. 19, 2009): Oversaw extensive discovery and recommended resolution of contested class certification motion where cable television subscribers sought to certify class to assert civil RICO claims against cable television provider and its outside counsel for allegedly conspiring to prosecute meritless cable piracy claims and thereby coerce nuisance value settlements; recommendation adopted on review; later presided at multiple settlement conferences that resulted in settlements of all the individual claims against all defendants

- **Cybersecurity Data Breach**

- *In re Apple, Inc.*, 15-MC-1902 (JO), 2015 WL 5920207 (E.D.N.Y. Oct. 9, 2015), *In re Apple, Inc.*, 149 F. Supp. 3d 341 (E.D.N.Y. 2016): Ruled that All Writs Act did not authorize court to compel private company to compromise the encryption of its devices to assist the government in executing a search warrant where FBI could not bypass such security on its own
- Served as co-lead counsel in class action cases involving claims against national retail chain under the right-of-publicity laws of several states
- Served as co-lead counsel in class action cases involving claims under the federal Video Privacy Protection Act against several media companies
- Served as co-lead counsel in case under the Telephone Consumer Protection Act
- Advised technology companies on responding to government requests for consumer data using various forms of legal process
- Advised technology companies, law firms and other entities on data transfer rules under U.S. and EU laws

- **Employment**

Employment Discrimination

- *Brady v. Wal-Mart Stores, Inc.*, 03-CV-3843 (JO), 2005 WL 1521407 (E.D.N.Y. June 21, 2005); *Brady v. Wal-Mart Stores, Inc.*, 455 F. Supp. 2d. 157 (E.D.N.Y. 2006), *aff'd*, 531 F.3d 127 (2d Cir. 2008): Presided over the jury trial of claims of disability-based discrimination by a former

Walmart employee with cerebral palsy; resolved post-trial motions for new trial and reduction of damages; rulings affirmed on appeal

- *David v. Comtech PST Corp.*, 03-CV-6480 (JO), 2006 WL 2713936 (E.D.N.Y. Sept. 22, 2006): Resolved cross-motions for summary judgment in case involving claims of age discrimination in employment and violation of equal pay law
- *Diaz v. Target Corp.*, 19-CV-5160 (MKB) (JO) (E.D.N.Y.): Plaintiff accused employer and supervisors of race- and national origin- based employment discrimination by allegedly requiring him to wear a nametag with incorrect name rather than plaintiff's true Latino-sounding name to avoid causing discomfort to predominantly white customer base; oversaw discovery and, after referral to a mediator did not resolve the case, presided at a successful settlement conference
- *Pusey v. Delta Airlines*, 09-CV-4084 (ENV) (JO), 2012 WL 893908 (E.D.N.Y. Feb. 7, 2012), report and recommendation adopted, 2012 WL 896163 (E.D.N.Y. Mar. 15, 2012): Pro se flight attendant asserted claims of race- and disability-based discrimination against employer airline; after overseeing extensive pretrial proceedings, including discovery disputes and contested motions to amend the complaint to add new claims, presided over a successful settlement conference that allowed plaintiff to continue litigating distinct workers' compensation claims in another forum; later recommended resolution of plaintiff's motion to reopen case based on plaintiff's claim that she had been incompetent to enter into the settlement
- *Bell v. Duke*, 16-CV-5324 (E.D.N.Y.): Former transportation security officer at JFK Airport asserted an array of Title VII discrimination and retaliation claims against the Secretary of Homeland Security after being terminated; oversaw all pretrial proceedings, including discovery, and then presided at a successful settlement conference

Wage and Hour

- *Fundora v. 87-10 51st Ave. Owners Corp.*, 13-CV-0738 JO, 2015 WL 729736 (E.D.N.Y. Feb. 19, 2015): Presided over case in which apartment building maintenance workers alleged wage and hour claims and retaliatory discharge claims under federal and state laws against the building's owners and superintendent; presided over all aspects of case, including discovery, jury trial, post-verdict motion practice, and contested fee application
- *Almanza v. Sauvaire*, 19-CV-4792 (ENV) (JO) (E.D.N.Y.): Oversaw discovery and all pretrial proceedings in bartenders' federal and state law wage claims against employer company and individual supervisor; presided at successful settlement conference and recommended court approval of request for attorneys' fees
- *Gao v. Strong America Ltd.*, 17-CV-5571 (ILG) (JO) (E.D.N.Y.): Oversaw discovery and all pretrial proceedings in accounts receivable clerk's federal and state law wage claims against bar owners and supervisors; presided at successful settlement conference

• Insurance

- *Allstate Ins. Co. v. Williams*, 13-CV-2893 (RJD) (JO), 2015 WL 5560543 (E.D.N.Y. Aug. 28, 2015), report and recommendation adopted, 2015 WL 5560546 (E.D.N.Y. Sept. 21, 2015): Insurance company asserted civil RICO and related tort claims against doctor and medical services companies based on alleged scheme to submit fraudulent claims; recommended

damages award upon defendants' default, which the court adopted, and then oversaw receivership of doctor's practice; during the pendency of the receivership, presided at successful settlement conferences between doctor and the receiver and other interested parties

- *Allstate Ins. Co. v. Seitz*, 11-CV-3014 (JO) (E.D.N.Y.): Insurance company accused a psychologist, lay persons and psychology professional corporations of a scheme involving identity theft and the improper control of professional corporations to generate fraudulent insurance claims; presided at settlement conference that resulted in settlement with monetary and injunctive terms
- *Moudatsos v. AmGuard Ins. Co.*, 19-CV-0194 (NGG) (JO) (E.D.N.Y.): In case alleging failure to pay claim for covered fire damages, oversaw all pretrial proceedings, including discovery, and then presided at successful settlement conference

• **Intellectual Property**

Copyright

- *Plastik v. Westbury Music Fair, Inc.*, 19-CV-2820 (RJD) (JO), 2020 WL 13566036 (E.D.N.Y. Sept. 30, 2020): Recommended resolution of photographer's motion for default judgment on claim on copyright infringement; analyzed sufficiency of claim and assessed appropriate amounts to award in damages and attorneys' fees; recommendations adopted on review
- *Strike 3 Holdings, LLC v. Doe*, 331 F.R.D. 14, 15 (E.D.N.Y. 2019): In these 13 cases, the owner of copyrights to adult motion pictures brought infringement claims against unidentified "John Doe" internet service subscribers for allegedly downloading and distributing protected works through peer-to-peer file sharing; denied copyright owner's motion for expedited discovery ex parte seeking to serve subpoena on internet service provider (ISP) associated with subscribers' IP addresses to require ISPs to identify subscribers
- *Chaos Commerce, Inc. v. Mophie, Inc.*, 14-CV-0489 (KAM) (JO) (E.D.N.Y.): In case involving claim for declaration of non-infringement and infringement counterclaim arising from advertisements on plaintiff's e-commerce site for defendant's portable battery charger, oversaw discovery and presided at successful settlement conference

Patent

- *Sharkey v. Alltec Prod., Inc.*, 04-CV-0397 (SJF) (JO), 2005 WL 8160987 (E.D.N.Y. June 24, 2005), report and recommendation adopted, 2005 WL 8160986 (E.D.N.Y. Sept. 14, 2005): Recommended resolution of cross-motions for summary judgment in action for infringement of patent for water filtration device; recommendation adopted over objections on review
- *Original Creatine Pat. Co. v. Met-Rx USA, Inc.*, 05-CV-2244 (DRH) (JO), 2006 WL 6220438 (E.D.N.Y. Aug. 21, 2006), report and recommendation adopted, 2009 WL 1146445 (E.D.N.Y. Apr. 28, 2009): Plaintiff accused defendant of marketing creatine products that infringed two patents; conducted Markman hearing and recommended interpretation of disputed patent claims; recommendations adopted over both parties' objections on review

Trademark and Trade Dress

- *Imig, Inc. v. Electrolux Home Care Products, Ltd.*, 05-CV-0529 (JO), 2007 WL 900310 (E.D.N.Y. March 22, 2007); 2008 WL 905898 (E.D.N.Y. March 31, 2008): In action asserting

copyright and Lanham Act claims arising from advertisement and sale of allegedly infringing vacuum cleaners, resolved cross-motions for summary judgment, presided at bench trial and issued findings of fact and conclusions of law

- *Incredible Scents, Inc. v. Mayan Laboratories LLC*, 05-CV-5855 (ADS) (JO), 2006 WL 8435554 (E.D.N.Y. Mar. 8, 2006): Plaintiff, the manufacturer of an anti-snoring nasal dilator, sued a former distributor for marketing a competing product that allegedly infringed plaintiff's trademark rights; held evidentiary hearing and issued recommendation on motion for preliminary injunction; case settled prior to review of objections
- *Martal Cosmetics, Ltd. v. Int'l Beauty Exch. Inc.*, 01-CV-7595 (SJF) (JO), 2007 WL 895697 (E.D.N.Y. Mar. 22, 2007): Plaintiff alleged that several individual and corporate defendants engaged in a gray market scheme of marketing real and counterfeit cosmetic products that infringed their trademarks; oversaw extensive discovery proceedings, resolved numerous non-dispositive disputes and recommended resolution of dispositive motions and motions for sanctions; recommendations adopted over objections on review, except as to the applicable standard of proof on one of the defendants' affirmative defenses

- **JAMS Global Reach**

- *Wtulich v. Filipkowska*, 16-CV-2941 (JO), 2020 WL 1433877 (E.D.N.Y. Mar. 24, 2020): Presided over all aspects of case involving Polish citizen's petition under the International Child Abduction Convention seeking the return of his daughter from the United States, where the child had lived with her mother for most of her childhood; conducted bench trial, issued findings of fact and conclusions of law, and resolved post-verdict motions and request for attorneys' fees
- *In re Gushlak*, 2012 WL 2564466 (E.D.N.Y. Jan. 30, 2012), report and recommendation adopted, 2012 WL 1514824 (E.D.N.Y. Apr. 30, 2012); *In re Gushlak*, 2012 WL 3683514 (E.D.N.Y. July 27, 2012), report and recommendation adopted, 2012 WL 3779229 (E.D.N.Y. Aug. 30, 2012): Oversaw contested proceedings and recommended disposition of motions concerning enforcement of order to disclose records for use in foreign proceedings; recommendations adopted over objections on review
- Represented telecommunications company in resolving dispute concerning enforcement of Section 1782 request for customer records

- **Personal Injury Torts**

Motor Vehicle

- *Aybar v. Singh*, 19-CV-0860 (ERK) (JO) (E.D.N.Y.): Oversaw pretrial proceedings in personal injury case arising out of car accident, including resolution of dispute about defendant's late appearance and attempt to vacate default; presided over successful settlement conference
- *Wen v. Gabriel*, 16-CV-6570 (ARR) (JO): Oversaw pretrial proceedings in personal injury case arising out of car accident; presided over successful settlement conference
- *Zaragoza v. Prime Uniform Supply, Inc.*, 17-CV-1983 (JO): Oversaw pretrial proceedings in personal injury case arising out of car accident; presided over successful settlement conference

Medical Malpractice

- *Prutkovsky v. United States*, 08-CV-0858 (DLI) (JO) (E.D.N.Y.): Executor of decedent's estate sued government for medical malpractice at federally funded community health center based on alleged failure to timely diagnose decedent's cancer; oversaw discovery and presided at successful settlement conference

Products Liability

- *Gissinger v. Yung*, No. 04-CV-0534 (CBA) (JO), 2006 WL 1329697 (E.D.N.Y. May 16, 2006); *Gissinger v. Yung*, No. 04-CV-0534 (BMC) (JO), 2007 WL 2228153 (E.D.N.Y. July 31, 2007): Married plaintiffs asserted personal injury and loss of consortium claims against company that designed and manufactured the ladder from which the husband fell; oversaw discovery, recommended striking defendant's answer, held evidentiary hearing on damages and recommended relief; all recommendations adopted on review
- *Grim v. Costco Wholesale Corporation*, 13-CV-1572 (JG) (JO) (E.D.N.Y.): Plaintiff asserted personal injury claim against manufacturer and seller of prepared food allegedly contaminated with listeria that sickened plaintiff and her daughter; oversaw discovery and presided at successful settlement conference

• **Privilege Review**

- *Michael Grecco Prods. Inc. v. Alamy Inc.*, 18-CV-3260 (PKC) (JO), 2020 WL 5848613 (E.D.N.Y. Oct. 1, 2020), *aff'd*, 2022 WL 198502 (E.D.N.Y. Jan. 21, 2022): As part of discovery oversight in copyright infringement case, found that defendant's communications with counsel were not shielded from disclosure under crime-fraud exception to attorney-client privilege; ruling affirmed over objection on review

• **Real Property**

Mortgage Foreclosure

- *CIT Bank, N.A. v. Locastro*, 17-CV-1701 (AMD) (JO), 2018 WL 4635728 (E.D.N.Y. Aug. 2, 2018), report and recommendation adopted, 2018 WL 4026737 (E.D.N.Y. Aug. 22, 2018): Recommended denial of motion for default judgment and foreclosure based on plaintiff's failure to join junior lienholder as a necessary party; recommendation adopted over objection on review

Honors, Memberships, and Professional Activities

Memberships and Affiliations

- Member, Federal Magistrate Judges Association, 2004–present
- Member, Federal Bar Council, 2003–2020
- Member, New York City Bar Association, 2010–2013
 - Member, Federal Courts Committee, 2010–2013
- Member, National Association of Criminal Defense Lawyers, 2002–2004

Selected Awards and Honors

- FBI Director's Certificate for Exceptional Service in the Public Interest, 1998
- Executive Office of U.S. Attorneys Director's Award for Superior Performance, 1994

- United States Attorney General's Distinguished Service Award, 1992, 1998

Selected Publications

- “Judicial Engagement with Surveillance Technology,” 49 Conn. L. Rev. 1717 (2017)
- “I’m a Judge. Here’s How Surveillance Is Challenging Our Legal System,” *New York Times*, June 13, 2019
- “Special Prosecutor Needed for CIA Leak,” *Chicago Tribune*, Oct. 10, 2003
- “A Gun Fingerprint Might Be the Only Clue,” *Washington Post*, Oct. 23, 2002
- “Rooting Out Terrorists Just Became Harder,” *New York Times*, Dec. 6, 2001
- “In This Death Penalty Case, the Choices Were Too Few,” *New York Times*, June 17, 2001

Background and Education

- Counsel to Special Master, *Trump v. United States* (S.D. Fla.), 2022
- Senior Legal Director, ZwillGen, 2020–2022
- United States Magistrate Judge, Eastern District of New York, 2004–2020
- Partner, Baker Hostetler, 2001–2004
- United States Department of Justice, 1990–2001
 - Associate Deputy Attorney General, 1999–2001
 - Attorney-Adviser, Office of Legal Counsel, 1998–1999
 - Special Attorney, Oklahoma City Bombing Task Force, 1996–1998
 - Assistant United States Attorney, Eastern District of New York, 1990–2001
 - Deputy Chief, Organized Crime and Racketeering Section, 1995–1996
- Associate, Duker & Barrett, 1988–1990
- Law Clerk to United States Circuit Judge James Hunter III, 1987–1988
- J.D., New York University Law School, 1987
 - Senior Articles Editor, *NYU Law Review*
- B.A., *magna cum laude*, Harvard University, 1984

Home Office

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New York, New York

NY Times Building, 620 8th Ave, 34th Floor, New York, NY 10018

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Hon. James M. Rosenbaum (Ret.)

JAMS Mediator, Arbitrator and Referee/Special Master

Contact Information

Deb Lewis

333 So. Seventh St. Suite 2550
Minneapolis, MN 55402
T: 612-332-8225
F: 612-332-9887

Hon. James M. Rosenbaum (Ret.) served as a United States District Judge for the District of Minnesota for 25 years, having previously served as Minnesota's United States Attorney.

During his service, he was the District's Chief Judge, and was elected by the Judges of the Eighth Circuit to serve as their representative on the Judicial Conference of the United States. He was appointed to the Conference's Executive Committee by Chief Justice Rehnquist.

While on the Bench, he presided over several Multi-District Litigation (MDL) matters, including cases involving Anti-Trust, and Pharmaceutical and Medical Device issues. He was recognized for his work on Intellectual Property and Indian Law issues.

Judge Rosenbaum has taught seminars for judges and lawyers in 20 countries, worldwide, on subjects ranging from International Patents and Intellectual Property to Judicial Ethics. He has published articles

on Neutral Evaluations, Law/Privacy and Computers, and Mediation practice.

While maintaining an active JAMS practice of Arbitration, Mediation, Early Neutral Evaluation, and Special Master appointments, he continues his writing and teaching.

ADR Experience and Qualifications

- Presided over cases including:
 - o Arbitration, domestic and international
 - o Bankruptcy
 - o Business and commercial law
 - o Civil rights
 - o Class actions and Multi-District Litigations (MDL)
 - o Employment
 - o Environmental law
 - o Insurance coverage
 - o Intellectual property, patent, and trade secrets
 - o International terrorism
 - o Medical devices and pharmaceuticals
 - o Mass tort/product liability
 - o Securities
 - o White collar crime

Representative Matters

- **Civil Rights**
 - Presided over many cases involving claims against federal agencies, states, and municipalities including *Hollman Consent Decree*; *Beaulieu v. Ludeman*, Civ. No. 06-4045 (JMR); *Holly v. Konieska*, Civ. No. 04-1489; *Schaub v. County of Olmsted*, 656 F. Supp. 2d 990 (D. Minn. 2009)
- **Class Action/Mass Tort**
 - *In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation*, MDL No. 05-1726, presided over a 2005 action involving a group of plaintiffs implanted with faulty Medtronic defibrillators; most cases settled and the MDL was dissolved in December 2008
 - *In re Mirapex Product Liability Litigation*, MDL No. 07-1836, presided over bellwether trials in the Mirapex cases involving patients prescribed the drug Mirapex who developed pathological gambling and other compulsive behaviors as a side effect; majority of cases settled
- **Employment**
 - *Jenson v. Eveleth Mines*, certified the first hostile work environment dispute in the nation, on behalf of female miners in the Iron Range; this landmark case was the basis for the book "Class Action" and later the major motion picture "North Country" starring Oscar Award winner Charlize Theron
 - *Holden v. Burlington Northern, Inc.*, 665 F. Supp. 1398 (D. Minn. 1987), presided over a long-running sexual harassment class action by female employees of the Burlington Northern railroad; approved payment of \$2.5 million to the class
- **Environmental**
 - *Atlantic Research Corp. v. United States*, 459 F.3d 827 (8th Cir. 2006), *affd.*, *United States v. Atlantic Research Corp.*, 551 U.S. 128 (2007), sat by designation on the

Eighth Circuit panel which heard the claim of a government contractor which sought to share with the United States the burden of voluntarily cleaning up its property. The Court found the contractor was able to pursue a claim under CERCLA § 107, a decision later affirmed by the Supreme Court

- As a trial judge, Judge Rosenbaum oversaw many environmental cases, including a decade-long environmental litigation claim between the buyer and seller of a contaminated industrial property, *Kennedy Building Associates v. CBS Corp.*

- **Indian Law**

- Minnesota is a state with Federal Indian Reservations. As such, Judge Rosenbaum has extensive experience in matters involving sovereignty, land patent, and jurisdictional issues, as well as tribal compact/state tax questions, in “Indian Country”

- **Insurance**

- Suits against federal crop as well as private insurers are a regular part of a Federal Judge’s caseload in Minnesota. The Red River of the North flows between Minnesota and North Dakota. The River lies in a notorious flood plain, and “seriously” floods on frequently. In doing so, it floods residential, agricultural, and business properties. Suits against private and federal insurers are a regular result of this flooding
- In the early 2000’s the Twin Cities experienced a “500 year” rain. Rainfall measured between 7 1/2 and 8 inches in a matter of hours. This event generated a number of flood and rain claims against both private and government insurers

- **Intellectual Property**

- **Patent:** presided over cases involving various medical devices including:
 - *Medtronic, Inc. v. Advanced Cardiovascular Systems, Inc.*, 182 F. Supp. 2d 810 (D.Minn. 2000) involving coronary stents
 - *Arthrex Inc. v. Depuy Mitek, Inc.* (Middle District of Florida, 2010) plaintiff sought, and the Judge granted, summary judgment of infringement of a patent relating to a surgical method for loading tendons into the knee
- **Trademark Infringement**
 - *American Dairy Queen Corp. v. NewLine Productions, Inc.* 35 F. Supp. 2d 727 (D. Minn. 1998), granted a preliminary injunction to the owner of the “Dairy Queen” trademark against a film studio which had planned to release a movie entitled “Dairy Queens,” satirizing contestants in a Minnesota beauty pageant. The movie was subsequently released under the title “Drop Dead Gorgeous”

- **Securities**

- In re UnitedHealth Group Incorporated PSLRA Litigation, presided over simultaneous class action and shareholder derivative suits arising out of stock options backdating. The Judge ultimately approved settlements in both cases. As part of the PSLRA settlement, UnitedHealth paid \$895 million, and its ex-CEO paid \$30 million and forfeited 3.6 million shares stock options

- **Special Master Discovery Referee**

- Lectured extensively throughout the United States on electronic discovery, served on the Sedona Conference since 2006, and is a regular participant at TechShow and other conferences dedicated to exploring the intersection of law and technology

Honors, Memberships, and Professional Activities

- Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS
- Member, Academy of Court Appointed Masters

- Recognized as Best Lawyer, Alternative Dispute Resolution Category, Best Lawyers in America, 2014
- Author, *How Lawyers Benefit from Early Neutral Evaluation*, Law360, April 2013
- Honoree, *Power 100 Advocate*, On Being a Black Lawyer (OBABL), 2013
- Recipient, Minnesota Lawyer's Attorney of the Year Award for Outstanding Service to the Profession, *Minnesota Lawyer*, 2012
- Designated one of "The 100 Most Influential Minnesota Lawyers of All Time, *Minnesota Law & Politics*, August 2007
- Recipient, Hennepin County Judicial Professionalism Award, 2007
- Recipient, Honorary Doctor of Law, Western New England College, 2007
- Member, Federal Bar Association, Minnesota chapter, 1981-present (President, 1992-1993)
- Board of Advisors, *The Green Bag*, 2008-present
- Board of Directors, Hennepin Theater Trust, 2008-2013
- University of Minnesota:
 - Alumnus of Notable Achievement, 2010
 - Alumni Association and Board of Advisors, 2009-present (Chairman 2012-2013)
 - English Department Advisory Committee, 2008-present
 - Law School Board of Visitors, 1991-1997
- Judicial Board of Advisors, The Sedona Conference (a legal community think tank that examines forward-looking principles, best practices, and guidelines in specific areas of the law), 2004-present (taught programs on Antitrust, E-Discovery, Patent Law, Co-Author "Cooperation Proclamation")
- Founding member ["Master"], Minnesota's first Patent Law Inn of Court, 2014
- Frequent speaker and teacher, including:
 - Faculty Member, National Judicial College, Reno, Nevada, 1998-2006 (taught courses in complex litigation, legal technology)
 - Teacher at "Baby Judges School" (training and orientation for newly appointed federal judges), prosecutor and defender school, and Attorney General's Advocacy Institute, 1990-present
 - Inaugural James M. Rosenbaum National Security Symposium: Trans-Atlantic Approaches to Counterterrorism, William Mitchell College of Law, April 2010
- Select publications:
 - "Negotiating the Shoals of Mediation," 18 *The Green Bag* 2D 305 (2015)
 - "In Defense of Rule 808, Federal Rules of Evidence," 12 *Green Bag* 2D 165 (2009)
 - "The Death of E-Discovery," *The Federal Lawyer* 26, July 2007
 - "Rohwer v. Federal Cartridge Co.," *The Green Bag Almanac & Reader* 316, 2006
 - "In Defense of the Sugar Bowl," 9 *Green Bag* 2D, Autumn 2005
 - "In Defense of the Hard Drive," 4 *Green Bag* 2D 169, 2001
 - "In Defense of the Delete Key," 3 *Green Bag* 2D 393, 2000
 - "Retiring the Gavel," Minnesota Public Radio Audio Interview, July 6, 2010

Background and Education

- Judge, U.S. District Court for the District of Minnesota, 1985-2010
- U.S. Attorney, District of Minnesota, 1981-1985
- Partner, Gainsley, Squier & Korsh, 1979-1981
- Partner, Rosenbaum & Rosenbaum, 1977-1979
- Associate, Katz, Tuabe, Lange & Frommelt, 1973-1977
- Staff Attorney, Leadership Council for Metropolitan Communities, 1970-1972
- Staff Attorney, VISTA, Chicago, Illinois, 1969-1970

- J.D., University of Minnesota Law School, Minneapolis, MN, 1969
- B.A., University of Minnesota, Minneapolis, MN, 1966

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